

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

LOUISE ROUNDS

PLAINTIFF

v.

No. 5:12-cv-276-DPM

**SOUTHERN HERITAGE HEALTH AND
REHABILITATION, LLC**

DEFENDANT

ORDER

1. Louise Rounds's remaining FMLA claim was tried to an eleven-person jury on 1-2 December 2014. After deliberations, on December 2nd the jury returned a unanimous verdict for Rounds against Southern Heritage for \$618.00.

2. For the reasons stated on the record, the Court granted Southern Heritage's unopposed motion to remit the damages award by \$200.00 to the \$418.00 actual monetary loss established by the evidence.

3. For the reasons stated on the record, the Court denied Southern Heritage's renewed motion post-verdict for judgment as a matter of law.

4. For the reasons stated on the record at the end of the post-verdict hearing, Rounds is entitled to liquidated damages.

5. The Court will handle prejudgment interest, which is mandatory, and

liquidated damages under 29 U.S.C. § 2617(a)(1)(A)(ii) & (iii) as a matter of law. The parties agreed to six percent. Prejudgment interest has accrued from the date the amount of the liability was ascertainable, *Frazier v. Iowa Beef Processors, Inc.*, 200 F.3d 1190, 1194 (8th Cir. 2000), and will accrue until the date of judgment. The Court awards \$88.98 in interest on the \$418.00 out of pocket: interest started on 1 August 2011, when Rounds had incurred all her travel expenses, and will end on 12 January 2015, when the Court will enter judgment. Here is the statutory calculation for Rounds's total award.

\$418.00	Actual Monetary Loss
<u>+ \$88.98</u>	Prejudgment Interest
= \$506.98	Subtotal
<u>+ \$506.98</u>	Liquidated Damages
= \$1,013.96	Total Award

6. As the prevailing party, Rounds is entitled to costs as allowed by law and a reasonable attorney's fee. The Court will withhold entering judgment until 12 January 2015 to give the parties time to confer about costs and the fee. Joint status report due by 19 December 2014.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 December 2014